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5. (Previously amended) A monitoring device in accordance with Claim 1, wherein an intermediate space is formed between the shaft and the seal.

6. (Currently amended) A monitoring device in accordance with Claim 1, wherein the seal is ~~adapted to be rotationally fixed relative to~~ fixed on the checking element such that said seal rotates with said checking element relative to said housing.

7. (Currently amended) A monitoring device in accordance with Claim 6, wherein the checking element comprises a mounting element for the seal onto which the seal is ~~adapted to be~~ disposed in order to fix the seal ~~non rotationally~~ on the checking element for rotation therewith.

8. (Currently amended) A monitoring device in accordance with Claim 7, wherein the mounting element is formed by a mounting ring through which the shaft is guided and onto which the seal is ~~adapted to be~~ disposed.

9. (Previously amended) A monitoring device in accordance with Claim 8, wherein an annular recess for accommodating the seal is formed between the mounting element and the checking element.

10. (Previously amended) A monitoring device in accordance with Claim 1, wherein an outer diameter of the seal substantially corresponds to the diameter of the checking element.

11. (Previously amended) A monitoring device in accordance with Claim 1, wherein the seal comprises a packing ring disposed on the checking element.

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12.(Previously amended) A monitoring device in accordance with Claim 1, wherein the seal comprises a collar having a V-shaped sealing lip which abuts the housing.

13.(Previously amended) A monitoring device in accordance with Claim 12, wherein the collar is rotatable with the checking element relative to the housing.

14.(Previously amended) A monitoring device in accordance with Claim 12, wherein the outer surface of the collar is substantially in the form of a truncated cone at least when force is not being applied thereto in the axial direction.

15.(Previously amended) A monitoring device in accordance with Claim 14, wherein an imaginary cone peak of the collar points towards the checking element.

16.(Previously amended) A monitoring device in accordance with Claim 14, wherein the inner surface of the collar is substantially in the form of a truncated cone at least when force is not being applied thereto in the axial direction.

17.(Previously amended) A monitoring device in accordance with Claim 12, wherein an axial extent of the seal can be varied by the collar.

18.(Previously amended) A monitoring device in accordance with Claim 1, wherein a control device is provided by means of which at least one of the pivotal position, the speed, and the torque of the checking element is controllable.

19.(Previously amended) A monitoring device in accordance with Claim 18, wherein the control device controls the pivotal position, the speed and the torque of the checking element in combination.

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20.(Previously amended) A monitoring device in accordance with Claim 18, wherein the pivotal movement is controllable by the control device in a manner such that a maximum permissible torque will lie below a predefined value for the torque.

21.(Previously amended) A monitoring device in accordance with Claim 20, wherein the checking element is adapted to be pivoted commencing from a starting position through a transition region into a monitoring region in which the predefined position of the body lies or in which the presence of a body should be monitored, and the predefined value for the maximum permissible torque in the monitoring region is reduced relative to that in the transition region.

22.(Previously amended) A monitoring device in accordance with Claim 20, wherein the motor is an electric motor and the controlling of the maximum permissible torque is effected by limiting the supply of current to the motor.

23.(Previously amended) A monitoring device in accordance with Claim 21, wherein the speed of the checking element is reducible during its transfer from the transition region into the monitoring region.

24.(Previously amended) A monitoring device in accordance with Claim 23, wherein the reduction of the maximum permissible torque is effected after the reduction in the speed of the checking element.

25.(Previously amended) A monitoring device in accordance with Claim 21, wherein the transition region comprises an acceleration region in which the speed of the checking element is increased commencing from the starting position.

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26.(Previously amended) A monitoring device in accordance with Claim 21, wherein the transition region comprises a braking region in which the speed of the checking element is reduced.

27.(Previously amended) A monitoring device in accordance with claim 21, wherein the speed of the checking element in the transition region is maintained substantially constant between an acceleration region and a braking region of the transition region.

28.(Previously amended) A monitoring device in accordance with claim 21, wherein the speed of the checking element is maintained substantially constant in the monitoring region.

29.(Previously amended) A monitoring device in accordance with Claim 18, wherein the control device comprises a digital angle transmitter for controlling the pivotal movement of the checking element.

30.(Previously amended) A monitoring device in accordance with Claim 29, wherein the speed and the torque of the checking element are controlled by the control device by means of time-dependent controlling of the position of the checking element.

31.(Previously amended) A monitoring device in accordance with Claim 29, wherein the control device sets the pivotal position of the checking element.

32.(Previously amended) A monitoring device in accordance with Claim 29, wherein the control device sets the speed of the checking element.

33.(Previously amended) A monitoring device in accordance with Claim 30, wherein the control device sets the pivotal position and the speed of the checking element.

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34.(Previously amended) A monitoring device in accordance with Claim 21, wherein the control device is adapted to undergo a learning cycle for determining the monitoring region.

35.(Previously amended) A monitoring device in accordance with claim 34, wherein the monitoring region is set by the control device such that it begins at a certain angular amount prior to the learnt position at which a body is detected in the learning cycle.

36.(Previously amended) A monitoring device in accordance with Claim 1, wherein stop means are provided for limiting pivotal movement of the checking element.

37.(Previously amended) A monitoring device in accordance with claim 36, wherein, for the purposes of setting a reference position of the checking element, the checking element is moved at a predefined speed to a stop position in which the stop means touch.

38.(Previously amended) A monitoring device in accordance with Claim 37, wherein, for the purposes of defining the reference position of the checking element in the stop position, the stop means are rotated against each other at low torque.

39.(Currently amended) A monitoring device for checking for a predefined position of a body or for checking for the presence of a body, comprising a pivotal checking element, a motor having a shaft for driving the checking element, a housing for accommodating the motor and having an end face through which the shaft passes, and a seal which is arranged between the checking element and the end face of the housing and which extends around said shaft, wherein the seal abuts on the checking element and abuts on the end face of the housing.